S.B.Cr.Misc. II Bail App. No. 5476/2007
(Tarachand Vs. State of Rajasthan)

Date of order : 20.11.2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Vijay Purohit for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers.

It is contended by learned counsel for the petitioner that the petitioner has not been named by the first informant Bhaguram in the FIR and in his statement. It is further contended that no test identification parade has been conducted and none of the witnesses have named the petitioner. He has invited my attention towards the injury report of Pitha Ram, who suffered two injuries, one on left leg and another on left upper eye lid, both by blunt and simple in nature.

From perusal of the challan papers, it further appears that no test identification was conducted by the police. The petitioner was not known to the first informant and the other witnesses.

Without commenting of the merit of the case and looking to the facts and circumstances of the case and the fact that no test identification parade has been conducted, I deem it just and proper

to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Tarachand s/o Bheruram be released on bail in FIR No.84/2007 P.S. Maulasar, District Nagaur, provided he executes a personal bond for a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

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